

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

IN RE: SAMANTHA HOPE SMITH

Case No. 6:24-CV-282-JDK-KNM

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**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Samantha Hope Smith, proceeding pro se, initiated this lawsuit on August 7, 2024. The matter is referred to a magistrate judge pursuant to a standing order in accordance with 28 U.S.C. § 636. Plaintiff filed a letter, construed as a motion to voluntarily dismiss, asserting that she mistakenly filed the case in the wrong jurisdiction. Docket No. 4. The Magistrate Judge issued a Report recommending that the motion to voluntarily dismiss be granted and that the complaint be dismissed without prejudice. Docket No. 5. No written objections have been filed. Instead, Plaintiff filed multiple letters in response to the Report reasserting that the case was mistakenly filed in the wrong jurisdiction and seeking the return of her documents. Docket No. 8. Plaintiff included a prepaid postage box for the return of her documents when the case was originally filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. It is therefore **ORDERED** that the motion to voluntarily dismiss (Docket No. 4) is **GRANTED** and the complaint is **DISMISSED** without prejudice. The Clerk shall return Plaintiff's documents to her in the prepaid postage box submitted by Plaintiff.

So **ORDERED** and **SIGNED** this **12th** day of **September, 2024**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE